

#2/A
P Young
3-31-98

226/132
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **PATENT**
Docket No. 226/132

Anticipated Classification of this application:
Class 370 Subclass _____
Prior application:
Examiner: M. Banks-Harold
Art Unit: 2611

**ASSISTANT COMMISSIONER
FOR PATENTS
Washington, D.C. 20231**

FILING UNDER 37 CFR 1.60

This is a request for filing for a

continuation _____ divisional

application under 37 CFR 1.60 of pending prior application Serial No. 08/410,901 filed on March 27, 1995 5640674
of ROBERT C. DIXON
for THREE-CELL WIRELESS COMMUNICATION SYSTEM

1. COPY OF PRIOR APPLICATION AS FILED WHICH IS ATTACHED

I hereby verify that the attached papers are a true and complete copy of what is shown in my records to be the above-identified prior application, including the oath or declaration as originally filed.
(37 CFR 1.60)

13 Pages of Specification

3 Pages of Claims

1 Pages of Abstract

3 Sheets of Drawings formal informal

2 Pages of Declaration

2 Pages of Assignment

1 Page of Power of Attorney

2. AMENDMENTS

Cancel in this application original Claims 2-16 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

A Preliminary Amendment will follow.

3. **FEE CALCULATION**

CLAIMS FOR FEE CALCULATION

	Number Filed	Number Extra	Rate	Basic Fee \$770.00
Total Claims	1	- 20 =	x \$ 22.00 =	00.00
Independent Claims	1	- 3 =	x \$ 80.00 =	0.00
Multiple Dependent Claim(s), if any			\$260.00 =	

The fee for extra claims is not being paid at this time.

Filing Fee Calculation \$ 770.00

4. **DRAWINGS**

Transfer the drawings from the prior application to this application and, subject to Item 16 below, abandon said prior application as of the filing date according to this application. A duplicate copy of this request is enclosed for filing in the prior application file. [May only be used if signed by (1) applicant, (2) assignee of record or (3) attorney or agent of record authorized by 37 CFR 1.138 and before payment of issue fee.] NOTE: DO NOT CHECK THIS IF PRIOR CASE IS NOT TO BE ABANDONED.]

Transfer the following sheet(s) of drawings from the prior application to this application.

New drawings are enclosed formal informal

5. **RELATE BACK - 35 U.S.C. 120**

Please amend the Specification to reflect the status of the continuation application as follows:

now U.S. Patent No. 5,640,674
 This application is a continuation of co-pending application Serial No. 08/410,901 filed March 27, 1995, which is a continuation of Application Serial No. 07/682,050 filed April 8, 1991, now U.S. Patent No. 5,402,413 A

6. **FEE PAYMENT BEING MADE AT THIS TIME**

Filing fee. \$770.00

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____ Recording assignment. [\$40.00; 37 CFR 1.21(h)(1)]	\$ _____
____ Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached. [\$130.00; 37 CFR 1.47 and 1.17(h)]	\$ _____
____ Petition fee to Suspend Prosecution for the Time Necessary to File An Amendment (New Application Filed Concurrently). [\$130.00; 37 CFR 1.103 and 1.17(l)(1)]	\$ _____
____ For processing an application with a specification in a non-English language. [\$130.00; 37 CFR 1.52(d) and 1.17(k)]	\$ _____
____ Processing and retention fee. [\$130.00; 37 CFR 1.53(d) and 1.21(l)]	\$ _____
	Total Fees Enclosed
	\$ <u>770.00</u>

7.

METHOD OF PAYMENT OF FEES

Attached is a check in the amount of \$ 770.00

Charge Deposit Account No. **12-2475** in the amount of \$ _____. A duplicate of this transmittal is attached.

8.

AUTHORIZATION TO CHARGE ADDITIONAL FEES

The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. **12-2475**:

37 CFR 1.16 (filing fees)

37 CFR 1.16 (presentation of extra claims)

37 CFR 1.17 (application processing fees)

9.

INSTRUCTIONS AS TO OVERPAYMENT

Credit Deposit Account No. **12-2475**.

Refund

10. POWER OF ATTORNEY

A copy of the power of attorney from the prior application is enclosed.

Address all future communications to:

LYON & LYON LLP
633 West Fifth Street, Suite 4700
Los Angeles, California 90071-2066

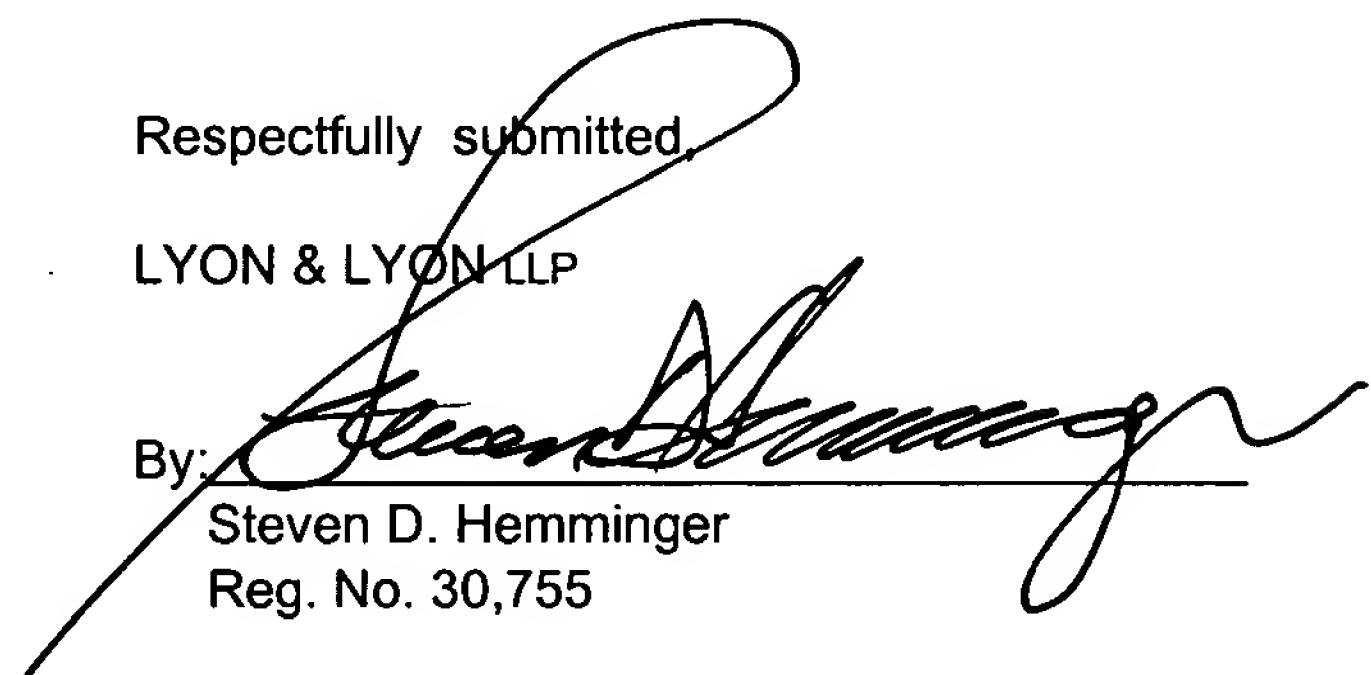
and direct all telephone calls to:

(408) 993-1555

Attention: Steven D. Hemminger, Reg. No. 30,755

Respectfully submitted,

LYON & LYON LLP

By: 
Steven D. Hemminger
Reg. No. 30,755

Dated: June 16, 1997

633 West Fifth Street
Suite 4700
Los Angeles, CA 90071-2066
(408) 993-1555

Omnipoint Corporation

{type name of assignee}

1365 Garden of the Gods Road, Colorado Springs, CO 80907

{address of assignee}

Assistant Corporate Secretary

{title of person authorized to sign on behalf of assignee}